

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

Article 5. Portable Engine and Equipment Registration

§ 2453. Application Process.

(a) In order for an engine or equipment unit to be considered for registration by the Executive Officer, the engine or equipment unit must be portable as defined in section 2452(x) and meet all applicable requirements established in this article.

(b) For purposes of registration under this article, a portable engine and the equipment unit it serves are considered to be separate emissions units and require separate applications.

(c) For an identical replacement, an owner or operator of a registered portable engine or equipment unit is not required to complete a new application and may immediately operate the identical replacement. Except for TSE, the owner or operator shall notify the Executive Officer in writing within five calendar days of replacing the registered portable engine or equipment unit with an identical replacement. Notification shall include company name, contact, phone number, registration certificate number of the portable engine or equipment unit to be replaced; and make, model, rated brake horsepower, serial number of the identical replacement; and applicable fees as required in section 2461. Misrepresentation of portable engine or equipment unit information and failure to meet the requirements of this regulation shall subject the owner or operator to section 2465.

(d) For an equivalent replacement, except for TSE, the owner or operator of a registered portable engine or equipment unit shall file a new application for registration with the Executive Officer prior to operating the equivalent replacement. The application shall include surrender of the registration identification label for the portable engine or equipment unit being replaced and appropriate fees as required in section 2461. Failure to meet the requirements of this article prior to operating the equivalent replacement may subject the owner or operator to section 2465 of this article.

(e) The Executive Officer shall inform the applicant, in writing, if the application is complete or deficient. If deemed deficient, the Executive Officer shall identify the specific information required to make the application complete, according to the following schedule:

(1) within 45 days of receipt of an application, for applications received on or before June 1, 2000; and

(2) within 30 days of receipt of an application, for applications received after June 1, 2000.

(f) The Executive Officer shall issue or deny registration according to the following schedule:

(1) within 180 days of receipt of an application, for applications received on or before June 1, 2000; and

(2) within 90 days of receipt of an application, for applications received after June 1, 2000.

(g) Upon finding that a portable engine or equipment unit meets the requirements of this article, the Executive Officer shall issue a registration for the portable engine or equipment unit. The Executive Officer shall notify the applicant in writing that the portable engine or equipment unit has been registered. The notification shall include a registration certificate(s), any conditions to ensure compliance with state and federal requirements, and a registration identification for each registered portable engine or equipment unit. Except for TSE, the registration identification label shall be affixed on the registered portable engine or equipment unit at all times, and the registration certificate shall be kept on the immediate premises with the portable engine or equipment at all times and made accessible to the Executive Officer or districts upon request. Failure to properly maintain registration identification shall be deemed a violation of this article.

(h) Except for TSE, each application for registration and the appropriate fee(s) as specified in section 2461, shall be submitted in a format approved by the Executive Officer and include, at a minimum, the following information:

(1) indication of portable engine or equipment unit status (e.g., resident, non-resident, non-operational, rental business, etc.);

(2) indication of "home" district, the district in which the portable engine or equipment unit operates most of the time (optional);

(3) the name of applicant, and a contact person including mailing address and telephone number;

(4) a brief description of typical portable-engine or equipment-unit use;

(5) detailed description, including portable-engine or equipment-unit make, model, manufacture year (for portable engines only), rated brake horsepower, throughput, capacity, emission control equipment, and serial number;

(6) necessary engineering data, emissions test data, or manufacturer's emissions data to demonstrate compliance with the requirements as specified in sections 2455-2457;

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(7) for resident engines, a copy of a current permit to operate or a registration certificate that was granted by a district prior to July 1, 2001, or other proof of California residency as described in section 2452(gg); and

(8) the signature of the person authorized to act on behalf of the applicant and date of the signature.

(i) For TSE, application for registration and the appropriate fee(s) as specified in section 2461, shall be submitted in a format approved by the Executive Officer and include, at a minimum, the following information:

(1) the name of applicant, and a contact person including mailing address and telephone number;

(2) a brief description of typical portable-engine or equipment-unit use;

(3) portable-engine or equipment-unit description, including type and rated brake horsepower; and

(4) the signature of person authorized to act on behalf of the applicant and date of the signature.

(j) Portable engines or equipment units owned and operated for the primary purpose of rental by a rental business shall be identified as rental at the time of application for registration and shall be issued a registration specific to the rental business requirements of this article. Portable engines or equipment units used primarily for purposes other than rental or not owned by a rental business shall not qualify for registration as a rental business. Misrepresentation of portable engine or equipment unit use in an attempt to qualify under the rental business definition shall subject the owner or operator to section 2465 of this article.

(k) An owner or operator registering a portable engine or equipment unit as non-operational may choose to have the equipment evaluated for registration eligibility at the time the initial application is filed or at the time the portable engine or equipment unit is changing to operational status. Where an initial evaluation is performed, switching from non-operational status to operational status requires notification in writing to the Executive Officer of the change in operational status and payment of all applicable fees prior to operation. Where no initial evaluation is performed, switching from non-operational status to operational status requires a complete application to be filed and approved by the Executive Officer and payment of all applicable fees prior to operation.

(l) Once registration is issued by the Executive Officer, any current district permits or registrations for registered portable engines or equipment units are preempted by the statewide registration and are, therefore, considered null and void, except,:

(1) for current district permits or registrations issued for portable engines or equipment units used in a project(s) operating in the OCS. The requirements of the district permit or registration apply to the registered portable engine or equipment unit while operating at the project(s) in the OCS; or

(2) for current district permits or registrations issued for portable engines or equipment units used in a project(s) operating in both the OCS and STW. The requirements of the district permit or registration apply to the registered portable engine or equipment unit while operating at the project(s) in the OCS and STW; or

(3) at STW project(s) that trigger district emission offset thresholds; or

(4) at any specific location where statewide registration is not valid. The portable engine or equipment unit may obtain a district permit or registration for the location(s) where the statewide registration is not valid.

NOTE: Authority cited: Sections 39600-39601, 41752-41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750-41755, Health and Safety Code.

REFERENCE